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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 IN RE: VOLKSWAGEN “CLEAN DIESEL”  
MARKETING, SALES PRACTICES, AND  
12 PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

**STIPULATION AND ~~PROPOSED~~**  
**ORDER MODIFYING BRIEFING**  
**SCHEDULE ON DEFENDANTS’**  
**MOTION TO DISQUALIFY AND**  
**EXCLUDE EXPERT TESTIMONY**

13  
14 This Document Relates To:

15 *BRS v. Volkswagen AG, et al.*, Case No. 16-cv-  
16 3435 (“Bondholders Securities Action”)

Judge: Hon. Charles R. Breyer  
Courtroom: 6, 17<sup>th</sup> Floor

1 This Stipulation is entered into between Plaintiff Puerto Rico Government Employees  
2 and Judiciary Retirement Systems Administration (“Plaintiff”) and Defendants Volkswagen AG,  
3 Volkswagen Group of America Inc., Volkswagen Group of America Finance LLC, Michael  
4 Horn, and Martin Winterkorn (the “Defendants,” and collectively with Plaintiff, the “Parties”).

5 WHEREAS, on November 8, 2019, Plaintiff filed its Motion for Class Certification (ECF  
6 No. 6887) (the “Motion for Class Certification”);

7 WHEREAS, in support of the Motion for Class Certification, Plaintiff submitted the  
8 expert report of Dr. Michael Hartzmark;

9 WHEREAS, on January 28, 2020, the Court entered an Order (ECF No. 7070) approving  
10 the Parties’ stipulation to extend the deadline for the Defendants to file their Opposition to the  
11 Motion for Class Certification to February 14, 2020, and the deadline for Plaintiff to file its  
12 Reply in Support of its Motion for Class Certification to March 18, 2020;

13 WHEREAS, on February 14, 2020, Defendants filed their combined Opposition to the  
14 Motion for Class Certification and Motion to Disqualify Dr. Hartzmark and Exclude His  
15 Testimony (ECF No. 7164);

16 WHEREAS, on February 20, 2020, pursuant to the Clerk’s instruction, Defendants re-  
17 filed their Motion to Disqualify Dr. Hartzmark and Exclude His Testimony (ECF No. 7191) (the  
18 “Motion to Disqualify”);

19 WHEREAS, pursuant to Civil Local Rule 7-3, Lead Plaintiff’s Opposition to the Motion  
20 to Disqualify is due on March 5, 2020, and Defendants’ Reply in Support of the Motion to  
21 Disqualify is due on March 12, 2020;

22 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among  
23 the Parties, subject to the Court’s approval, that the deadline for Plaintiff to file their Opposition  
24 to the Motion to Disqualify is extended to the same date as Plaintiff’s Reply in Support of its  
25 Motion for Class Certification on March 18, 2020, and the deadline for Defendants’ Reply in  
26 Support of the Motion to Disqualify is extended to March 25, 2020.

1 Dated: February 20, 2020

2 **ABRAHAM, FRUCHTER &  
3 TWERSKY, LLP**

4 IAN D. BERG  
5 TAKEO A. KELLAR

6 /s/ Ian D. Berg

7 IAN D. BERG

8 *Attorneys for Lead Plaintiff PRGERS*

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/s/ William H. Wagener

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/s/ Joseph Gonzalez

JOSEPH GONZALEZ

*Attorneys for Defendant Michael Horn*

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: March 5, 2020, 2020



HON. CHARLES R. BREYER

United States District Judge

**ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories.

Dated: February 20, 2020

**ABRAHAM, FRUCHTER &  
TWERSKY LLP**

/s/ Ian D. Berg

IAN D. BERG